IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 40444 of 2003(M)

PETITIONER:

K.M. ABDUL MAJEED, S/O. MOIDEEN HAJI,
AGED 49, KOLLAYIL HOUSE, EDAVANAKKAD DESOM,
EDAVANAKKAD VILLAGE, KOCHI TALUK,
MANAGING PARTNER AMIN ICE PLANT,
AZHIKODE JETTY.P.O.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR),
SRI.GEORGE VARGHESE KIZHAKKAMBALAM.

RESPONDENTS:
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1. **KERALA STATE ELECTRICITY BOARD**
   REP. BY ITS SECRETARY, VYDYUTHI BHAVAN,
   PATTOM, THIRUVANANTHAPURAM.

2. **EXECUTIVE ENGINEER, ELECTRICAL DIVISION**
   KERALA STATE ELECTRICITY BOARD,
   KODUNGALLOOR.

BY ADV. SRI.N.D.PREMACHANDRAN, SC, KSEB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.40444/2003:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NOTICE BEARING NO. DB/67/99-2000/28/01/00/312 DTD. 28/01/00.

EXT.P.2: COPY OF THE NOTICE DTD. 31/01/00 BEARING NO. DB/67/99/2000/313/31/1/2000.

EXT.P.3: COPY OF THE INVOICE DTD. 01/02/00 BEARING NO. 136992.

EXT.P.4: COPY OF THE APPLICATION FILED BY THE PETITIONER BEORE R.2. DTD. 01/02/00.

EXT.P.5: COPY OF THE STATEMENT SHOWING CONSUMPTION OF ENERGY FROM 1/98 TO 12/00.

EXT.P.6: COPY OF THE JUDGMENT OF HONOURABLE HIGH COURT IN W.P.(C). 17794/03 DTD. 11/06/03.

EXT.P.7: COPY OF THE ORDER DTD. 01/12/2003 BEARING NO. GBI-K-21/99-2000/835 PASSED BY R.2.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.40444 of 2003

Dated 21st March, 2007.

J U D G M E N T

The dispute is with regard to the method of assessment in a situation of the meter being found faulty. The method adopted by the respondent Board is to take the previous average. According to the petitioner, in view of the peculiar nature of the functioning of the unit, interests of justice will be met, if six months' average is taken after the installation of the new meter. Consideration of the consumption after installation of the new meter is not impermissible under the Regulations. Therefore, this writ petition is disposed of directing the competent authority to issue a fresh demand to the petitioner within a period of one month from today, taking note of the average consumption of the petitioner for a period of six months after the installation of the new meter. The amounts already remitted by the petitioner in the meanwhile will be duly adjusted. On receipt of the demand as above, the petitioner will take steps to remit the balance amount, if any, within another one month. The interim order passed by this Court will continue till such time.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

OP NO. 2

tgs

KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 21st March, 2007.